

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Total Holdings, Inc. d/b/a GTC
Communications for a Certificate of Public
Convenience and Necessity to Provide Interexchange
Telecommunications Services Throughout the State of
of South Carolina and for Alternative Regulation

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - 440 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda
expeditiously

☐ Other: _____

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input checked="" type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

ELLIS:LAWHORNE

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January 16, 2009

FILED ELECTRONICALLY

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

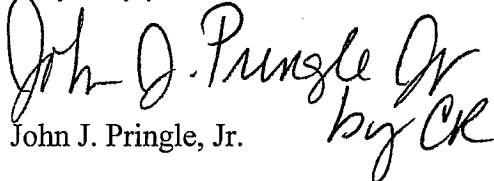
RE: Application of Total Holdings, Inc. d/b/a GTC Communications for a
Certificate of Public Convenience and Necessity to Provide Interexchange
Telecommunications Services Throughout the State of South Carolina
and for Alternative Regulation
Docket No. 2008-440-C, Our File No. 1761-11619

Dear Mr. Terreni:

Enclosed is the **Prefiled Testimony of Nathaniel Law** filed on behalf of Total
Holdings, Inc. d/b/a GTC Communications in the above-referenced docket.

If you have any questions or need additional information, please do not hesitate to
contact me.

Very truly yours,


John J. Pringle, Jr.

JJP/cr

cc: C. Lessie Hammonds, Esquire (via electronic mail service)
Nathaniel Law, Esquire (via electronic mail service)

Enclosures

**BEFORE THE SOUTH CAROLINA
PUBLIC SERVICE COMMISSION**

DOCKET NO. 2008-440-C

In the Matter of the Application of)
)
Total Holdings, Inc. d/b/a GTC Communications)
)
To Provide Resold Interexchange)
Telecommunications Services)
Throughout the State of South Carolina and for)
Alternative Regulation)

**DIRECT TESTIMONY
OF NATHANIEL LAW**

I. Introduction

Q. Please state your name, address and occupation.

A. My name is Nathaniel Law. My business address is Total Holdings, Inc., 707 Wilshire Boulevard, Floor 12, Los Angeles, California 90017

Q. By whom are you employed and in what capacity?

A. I am the Corporate Counsel for Total Holdings, Inc. d/b/a GTC Communications ("THI").

Q. Please describe your job responsibilities.

A. My job responsibilities include the following:

- Contract drafting, interpretation and compliance
- Research, preparation and facilitation of compliance reporting
- Oversee the preparation, coordination, and confirmation of all tariff changes and updates, and facilitating the approval and filing of all tariff language.
- Tariff compliance with regulatory rules.

- Manage and coordinate with outside counsel regarding regulatory matters including but not limited to accurate and complete filing of company reports and other official documents required by regulators.

Q. Please describe your professional experience and educational background.

A. I received a Bachelor of Arts in History from the University of California at Los Angeles in June 2003. I received a Juris Doctor from Boston University School of Law in May 2007. I am a duly admitted and qualified member of the California State Bar. Since October 2007, I have been serving as corporate counsel to two telecommunications companies – Total Call International, Inc. and OPEX Communications, Inc. In my capacity as corporate counsel, my regulatory affairs experience and duties are described above.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to describe the nature of THI's proposed service offering within the State of South Carolina, and to demonstrate its financial, managerial, and technical ability to provide the telecommunications services for which authority is sought herein.

Q. Do you wish to incorporate by reference any documents into your testimony?

A. Yes, I wish to incorporate by reference the underlying Application filed in this proceeding and its associated exhibits.

II. The Business of THI

Q. Has THI registered to do business in South Carolina?

1 A. Yes, THI is a California corporation that has received authorization to transact
2 business within the State of South Carolina. A copy of THI's Articles of
3 Incorporation is attached to the Application as Exhibit "1" and a copy of the
4 document of authorization from the State of South Carolina is attached to the
5 Application as Exhibit "2"

6 **Q. Please describe the services THI intends to provide within the State of**
7 **South Carolina.**

8 A. THI seeks authority to operate as a reseller of intraLATA and interLATA
9 intrastate telecommunications services to the public on a statewide basis. THI
10 seeks authority to offer on a resale basis within South Carolina intrastate,
11 interLATA and to the extent authorized by the Commission, intraLATA direct-
12 dialed services including 1+ outbound service, 800/888 toll-free inbound, and
13 travel card services. THI seeks statewide authority to provide intraLATA
14 services authorized by the Commission in Docket Nos 92-182-C, 92-183-C,
15 and 92-200-C. THI has no plans at this time to construct any
16 telecommunications transmission facilities of its own and seeks no
17 construction authority. THI will operate exclusively as a reseller. THI intends
18 to engage in "switchless" resale. THI will arrange for the traffic of underlying
19 subscribers to be routed directly over the networks of Applicant's network
20 providers.

21 **Q. What carrier will THI utilize as its underlying carriers for services in**
22 **South Carolina?**

23 A. THI intends to utilize Sprint as its underlying carrier. THI will choose its
24 underlying carriers based upon the quality of service of the carrier properly
25 certified by the Commission to provide such service.

26 **Q. Does THI currently provide intrastate telecommunications services in any**
27 **other state?**

28 A. No. THI is not currently providing intrastate telecommunications services in
29 any state. However, THI is currently authorized to provide resold intrastate
30 telecommunications services in Arkansas, Colorado, Florida, Georgia, Idaho,

1 Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, New
2 Hampshire, New York, North Dakota, Ohio, Oregon, Pennsylvania
3 (Provisional Authority), Rhode Island, Texas, Utah, Virginia, Washington,
4 Wisconsin, and Wyoming. Applicant has applications pending in Alabama,
5 Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Kansas,
6 Louisiana, Maryland, Massachusetts, Nebraska, Nevada, New Mexico, North
7 Carolina, Oklahoma, South Dakota, Vermont, and West Virginia.

8 **Q. Has THI ever had an application for a certificate of public convenience**
9 **and necessity denied?**

10 A. No.

11 **Q. Does THI intend to file a tariff with the Commission?**

12 A. Yes, THI filed a tariff along with its Application in this proceeding, which it
13 will modify as necessary in order to meet the Commission's requirements. We
14 believe THI's Tariff will comport with all Orders and Rules of the
15 Commission.

16 **Q. Will THI comply with the Commission's orders regarding the resale of**
17 **interexchange services?**

18 A. Yes, THI will at all times provide and market interexchange carrier services in
19 accordance with current Commission policies. In addition, THI will at all
20 times provide interstate services in compliance with all FCC rules and
21 regulations.

22 **Q. Has THI provided any intrastate telecommunications services within the**
23 **State of South Carolina?**

24 A. No it has not.

25 **Q. What rates will THI charge upon receipt of certification?**

26 A. THI will charge the tariffed rates approved by the Commission.

27 **Q. How will THI market services in South Carolina?**

28 A. THI intends to market its services via direct sales by THI's employees and via
29 its websites.

1 **III. Managerial, Technical, and Financial Qualification**

2

3 **Q. Does THI have sufficient managerial, technical, and financial resources**
4 **and ability to provide the telecommunications services proposed in its**
5 **Application?**

6 A. Yes. THI has sufficient technical, financial, and managerial resources and
7 ability to provide the telecommunications services for which authority is
8 sought herein. THI's personnel represent a broad spectrum of business and
9 technical disciplines, possessing many years of individual and aggregate
10 telecommunications experiences. The qualifications and experience of the
11 Company's management are discussed on Exhibit "3" to our application, and
12 that attachment also supports THI's managerial and technical ability to provide
13 the services for which authority is sought herein.

14 **Q. How does THI handle customer service requests?**

15 A. THI's customer service department handles all such requests. THI can be
16 reached by toll free number, (800) 486-4030.

17 **Q. Please describe the financial condition of THI.**

18 A. Attached as Exhibit "4" to our application is a copy of THI's Balance Sheet
19 and Income Statement for the quarter ended September 30, 2008, which
20 demonstrates that THI has sufficient assets and working capital to carry out its
21 proposed business plan in South Carolina.

22

23 **IV. Public Interest**

24

25 **Q. How will residents of South Carolina benefit from THI's services and**
26 **presence in South Carolina?**

27 A. THI believes that there are several benefits:

- 28 1. More competition, additional services and a better product at
29 competitive prices;

2. Increased consumer choice as well as innovative telecommunication services;
3. Efficient use of existing communications resources as well as increased diversification and reliability of supply of communications services;
4. Development of an expanded telecommunications supply industry in South Carolina;
5. An expanded tax base and revenue source for the State of South Carolina; and

Q. Has the Company ever been the subject of an investigation by any state Regulatory body or by the FCC?

A. No.

Q. Will the Company agree to abide by and comply with the Commission's Rates and Regulations and Commission Orders in its operations in South Carolina?

A. Yes it will.

Q. What regulatory treatment is Applicant seeking in this application?

A. Applicant requests that its interexchange services be subject to alternative regulation, pursuant to South Carolina Code § 58-9-585 (Supp. 1999), as was first granted by the Commission in Order Nos. 95-1734 and 96-55 issued in Docket No. 95-661-C.

Q. Does this conclude your testimony?

A. Yes, thank you.